



THE CITY OF SAN DIEGO

City of San Diego
Development Services Department
Division of Building & Safety
1222 First Avenue • MS-401
San Diego, CA 92101
(619) 446-5400

Building Newsletter 1-4B

Submitting Appeals to the Board of Building Appeals and Advisors

Interpretations of State and Local Building Codes
2002 Municipal Code: Chapter 11, Article 1, Division 2
Revision Date: May 2005

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All appeals to the Board of Building Appeals and Advisors must be submitted on application form DS-104A. This form is available without charge from the Development Services Department, fourth floor, Development Services Center Building, 1222 First Avenue. Alternatively the form may be obtained via the Development Services home page on the worldwide web at www.sandiego.gov.

Applications must be typewritten and signed by the Building Owner or a Company officer if not owned by an individual. The project address, and when available the project plan file number assigned by the Development Services Department. Additionally contact information for the owner, designer and the contact name of the person submitting the application shall also be completed.

Where multiple issues exist, a separate application must be submitted for each issue. This will permit approval of certain items in the event it is necessary to deny one or more of a series of issues.

An appeal is typically initiated as a result of the disapproval of a request to the use of an alternate material, design, or construction method or at the request of the Building Official.

I. Deadlines

Appeal applications must be submitted to the Senior Research Engineer, Development Services Department, fourth floor, City Operations Building, 1222 First Avenue.

In order for the appeal to appear on the agenda for the Board meeting of the following month, appeal applications must be submitted by Wednesday of the fourth week before the Board meeting. Board meetings are normally scheduled for the first Thursday of each month.

II. Rejection of Application

Appeal applications must be completely and legibly filled out and signed by the building owner or company officer. Appeal applications which are not properly completed, and that do not include sufficient substantiation for the claims of equivalence or the interpretation requested, will not provide information necessary for consideration by the Board and will not be placed on a Board meeting agenda.

III. Fees

Cases that are heard before the Board of Building Appeals and Advisors require the payment of a fee in

accordance with the fee schedule published in Information Bulletin 501 dated May 2004. The Building Development Review flat fee of \$1,503.00 that is charged to cover the cost of processing. If the appeal requires Fire Marshal input, then an additional hourly fee of \$99.00 per hour will be charged.

Appeal applications must be submitted with an initial fee of \$1,503.00 unless other arrangements have been made in advance with the Senior Research Engineer. The additional Fire Marshal fee must be paid in full prior to mail out for public hearing. Checks shall be made payable to the City Treasurer.

Cases will not be processed without payment of the appropriate fee. Once a substantial amount of work (as determined by the Senior Research Engineer) has been completed, no refund will be allowed.

Where consideration of multiple issues is being requested, a separate application fee will be required for each appeal.

IV. Request

The Request portion of the appeal application must contain a clear statement by the applicant of the issue which the Board is requested to address. The Section(s) of the applicable code that are the subject of the appeal must be cited. The issue(s) may be an interpretation or application of a code provision or a finding on the equivalency to code requirements of an alternate material, design, or method of construction.

The word "code", as used in this building newsletter applies to :

- A. California Building Code Accessibility Regulations
- B. California Building Code
- C. California Fire Code
- D. California Mechanical Code
- E. California Plumbing Code
- F. California Electrical Code

V. Justification

The Justification portion of the appeal application must state the basis for the appeal and substantiate the claim of equivalency to code requirements for the proposed material, design, or construction method. The justification must be prepared by an licensed architect or engineer.

Any additional information that was not provided to the Building Official as a part of a disapproved request for an alternate material, design, or construction method

may be included.

The Justification portion of the appeal application must state the basis for the appeal and substantiate the claim of equivalency to code requirements for the proposed material, design, or construction method.

Additional information substantiating claims of equivalence such as code analyses, test reports, engineering analysis as well as other background information may be compiled in a report used as a part of the justification. Copies of documents, in part or in their entirety, referenced in the report that are not commonly available may be requested.

VI. Plan Submittal

Plans submitted in support of the appeal must clearly indicate the location, nature, extent, and details of the subject of the appeal. Plans submitted in support of the appeal must be of sufficient size to be suitable for group viewing by the Board. One set of plans is normally sufficient, however, if a hearing is required before the Board, the Development Services Department may request one or more reduced sets of the plans for distribution to the individual Board members and staff.

VII. Approval or Denial of Appeal

When approval is granted for a particular appeal, the applicant will be requested to supply 7 copies of all plans and reports used to substantiate the appeal for internal distribution to plan review, inspection services, records, fire and life safety services, etc. The applicant is expected to incorporate into plans submitted for approval a brief description of the issue appealed in the application as well as the assigned case number. Additionally, it is expected that plans submitted for approval by plan review staff will include all alternative features and items proposed in the appeal as well as any conditions required by the Building Official in granting his approval.

When approval of a appeal is not granted by the Building Official the applicant will be notified in writing with the reasons for the disapproval clearly outlined. A record of the disapproval will be maintained in records associated with project or applicable permit.

VIII. For Additional Information

Additional information regarding the Board of Appeals process may be obtained by contacting the Development Services Department Research Engineering staff at (619) 446-5092.